

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD A. JOINER,

Defendant.

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Case No. 17-cr-40069-SMY

ORDER

YANDLE, District Judge:

Richard A. Joiner pled guilty on April 19, 2018, to Distribution of Methamphetamine in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C), and 18 U.S.C. § 2. He was sentenced to 120 months imprisonment (with an adjustment of 19 months for time served in a related state case for a total term of 101 months) and 3 years of supervised release. That sentence was subsequently reduced to 67 months (Doc. 63). He is currently housed at the United States Penitentiary in Marion, IL with an expected release date of May 12, 2023.

Now pending before the Court is Joiner's Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A) as amended by the First Step Act on December 21, 2018 (Doc. 71). The Government responded in opposition (Doc. 75). For the following reasons, the Motion is **DENIED.**

Background

In 2018, Joiner's fiancé died. Her death was followed closely by the death of his child's biological mother in 2019 and Defendant's mother's death in 2020 (Docs. 66 and 71). At the time of her death, Joiner's mother had custody of his now 6-year-old daughter (Doc. 66). Due to those

circumstances, Joiner granted temporary guardianship to his father, Robert Joiner, who is now over 80 years old and suffers from Stage 3 lung cancer. (*Id.*). Joiner now seeks compassionate release to provide care and financial support to his father and daughter and to avoid loss of custody to the State foster system should his father pass away (*Id.*).

Discussion

Section 603 (b)(1) of the First Step Act permits the Court to reduce a term of imprisonment upon motion of either the Director of the Bureau of Prisons (“BOP”) or a defendant for “extraordinary or compelling reasons” so long as the reduction is “consistent with applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(1)(A)(i). If the Court finds that extraordinary and compelling reasons exist for compassionate release, it must then consider and weigh the applicable factors as set forth in 18 U.S.C. § Section 3553(a). 18 U.S.C. § 3582(c)(1)(A); *United States v. Ebbers*, 2020 WL 91399, at *6 (S.D.N.Y. Jan. 8, 2020). Those factors include “(1) the nature and circumstances of the offense and history and characteristics of the defendant; (2) the need for the sentence to reflect the seriousness of the offense, afford adequate deterrence to criminal conduct, and protect the public from further crimes of the defendant; and (3) the kinds of sentences and sentencing range for the applicable category of offense committed.” *United States v. Jackson*, 2020 WL 3396901, at *4 (N.D. Ind. June 19, 2020) citing 18 U.S.C. § 3553(a).

Joiner’s motion presents compelling family circumstances sufficient to support compassionate release, and the Court is certainly sympathetic to the situation. However, the 3553(a) factors and the sentencing goals weigh heavily against his release at this time. Specifically, his extensive criminal history includes violent crimes – battery and aggravated battery. He also has had periods of probation revoked, and on one occasion, failed to appear for

sentencing after revocation and absconded for 5 years. These facts indicate that he has not been amenable to supervision. Additionally, while incarcerated on his related state case, Joiner engaged in a scheme to smuggle drugs into the county jail. Considering the totality of these factors and circumstances, the Court finds that Joiner continues to pose a significant danger to the public and that releasing him at this juncture would not serve the goal of specific deterrence.

For the foregoing reasons, Joiner's Motion for Compassionate Release pursuant to 18 U.S.C. § 3582 (c)(1)(A) as Amended by the First Step Act of 2018 (Doc. 71) is **DENIED**.

IT IS SO ORDERED.

DATED: February 2, 2022



STACI M. YANDLE
United States District Judge